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August 2, 2017

VIA ECF AND FEDEX

The Honorable Edgardo Ramos
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Sanders v. The CJS Solutions Group, LLC d/b/a The HCI Group*
 Garrett v The CJS Solutions Group, LLC d/b/a The HCI Group
 Consolidated Civil Action No.: 17-3809 (ER)

Dear Judge Ramos:

We represent Defendant The CJS Solutions Group, LLC d/b/a The HCI Group (“HCI”) in connection with the above-referenced consolidated action. We write on behalf of both parties to seek Court approval to participate in private mediation in lieu of Court ordered mediation and for a 90-day stay of proceedings pending completion of mediation. We also respectfully request that should the stay be entered, that the Court approve the parties’ tolling agreement as to potential claims asserted under the Fair Labor Standards Act (“FLSA”), as set forth below.

I. Private Mediation

On June 30, 2017, the Court referred the above-referenced *Sanders* action to mediation under Local Rule 83.9. On July 26, 2017, the Court granted the parties’ joint request to consolidate *Sanders* with the above-referenced *Garrett* action into a single consolidated matter, bearing Civil Action No. 17-3809. The parties seek to mediate the consolidated action as a whole and respectfully request leave of Court to participate in private mediation, in lieu of Court ordered mediation. The parties have agreed upon a mediator and, pending Court approval, have agreed to participate in mediation on October 2, 2017 before Ruth Raisfeld.

II. Stay of Proceedings

We also write on behalf of both parties to request a 90-day stay of proceedings pending mediation, through and including October 31, 2017. This first request for a stay is sought for the purpose of allowing the parties to preserve their resources while preparing for mediation. On or



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before October 31, 2017, the parties will submit a joint status report apprising the Court as to the status of settlement discussions and the outcome of the mediation.

The following deadlines will be impacted by the parties' joint request for a stay: (1) Defendant's deadline to file a response to the *Sanders* complaint, currently August 4, 2017; and (2) Defendant's time to amend its answer to the *Garrett* complaint as of right, currently August 18, 2017. The parties respectfully request that the Court enter the following schedule, should mediation not be successful:

Plaintiffs' deadline to file a consolidated complaint: 30 days after expiration of the stay.

Defendant's deadline to answer, move or otherwise respond to consolidated complaint: 21 days after filing of the consolidated complaint.

Should no consolidated complaint be filed, Defendant's time to respond to the *Sanders* complaint and to file an amended answer as of right to the *Garrett* complaint shall be extended until 14 days after Plaintiffs' deadline to file a consolidated complaint expires and no such complaint has been filed.

III. Agreement to Toll During Court-Ordered Stay

In the event the Court approves the above-requested stay, the parties respectfully request that the Court so-order the following agreement as to tolling: any unexpired statute of limitations under the FLSA shall be tolled throughout the Tolling Period for all individuals who were classified as independent contractors while performing consulting work for Defendant in the United States from May 19, 2014 to the present, for all claims brought on their behalf by Plaintiffs' counsel herein as a result of the issuance of Court-ordered notice pursuant to 29 U.S.C. § 216(b), should such notice issue. The Tolling Period shall begin on August 2, 2017 and end on October 31, 2017.

We appreciate the Court's attention to this request.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ *Gena Usenheimer*

Gena Usenheimer

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cc: All counsel (ECF)